

Assembly Concurrent Resolution No. 36

RESOLUTION CHAPTER 39

Assembly Concurrent Resolution No. 36—Relative to veterans.

[Filed with Secretary of State May 23, 2013.]

LEGISLATIVE COUNSEL'S DIGEST

ACR 36, Atkins. Veterans: treatment courts and treatment review calendars.

This measure would encourage all superior courts to consider establishing veterans treatment courts or veterans treatment review calendars to assist troubled veterans who have service-related mental health issues.

WHEREAS, Historically, the State of California has honored the noble sacrifices that members of the Armed Forces have made to protect our freedoms by providing veterans and members of the Armed Forces certain benefits and rehabilitative services; and

WHEREAS, California has the largest United States veteran population in the nation, comprised of approximately 2 million armed services veterans, which is 12.3 percent of the nationwide veteran population of nearly 25 million veterans; and

WHEREAS, There are approximately 180,000 Operation Enduring Freedom/Operation Iraqi Freedom (OEF/OIF) theatre veterans in California and 30,000 veterans are returning to California each year; and

WHEREAS, Studies have shown that combat services may exact a tremendous psychological toll on members of the Armed Forces who are faced with the constant threat of death or injury over an extended period of time; and

WHEREAS, Researchers have shown that a significant number of the 1,600,000 members of the Armed Forces who have served in Iraq or Afghanistan have, or will suffer from, as a result of their military service, mental health injuries, such as post-traumatic stress disorder, traumatic brain injury, depression, anxiety, and acute stress; and

WHEREAS, Some studies have shown that as much as 20 percent of the United States veterans who served in Iraq and Afghanistan are returning home with signs of post-traumatic stress disorder or other mental illnesses. Traumatic brain injury often accompanies post-traumatic stress disorder; and

WHEREAS, Both physical and mental combat-related injuries often lead to the use of drugs and alcohol to cope with such injuries, which often leads to encounters with the criminal justice system that would not have otherwise occurred without the combat-related injury; and

WHEREAS, The vast majority of returning members of the Armed Forces do not have contact with the criminal justice system, and most veterans and members of the military are well-adjusted, contributing members of society, but psychiatrists and law enforcement officials agree that combat-related injuries have led to instances of these service members becoming involved with the criminal justice system; and

WHEREAS, Recently, 12 percent of OIF/OEF veterans surveyed reported criminal justice involvement beyond a minor traffic violation. However, only 3 percent of veterans reported having both knowledge of and access to veterans treatment courts, veterans treatment review calendars, or diversion programs from prison available pursuant to Section 1170.9 of the Penal Code; and

WHEREAS, A goal of veterans treatment courts and veterans treatment review calendars is to reduce further criminal behavior. This is done to keep troubled veterans out of prison, if they have service-related mental health problems and they allege that the criminal behavior resulted from these problems; and

WHEREAS, It is the purpose of veterans treatment courts and veterans treatment review calendars in California to enhance public safety by providing a judicially supervised regimen of treatment intervention to serve involved veterans with unique mental health conditions and other problems stemming from military service; and

WHEREAS, As a grateful state, we must continue to honor the military service of our men and women by attempting to provide them with an alternative to incarceration when feasible, permitting them instead to access proper treatment for mental health and substance abuse problems resulting from military service; and

WHEREAS, The Legislature finds that it is in the best interests of California citizens to assist veterans and members of the Armed Forces involved in the criminal justice system who have a military-related injury. In order to achieve this end, the Legislature has encouraged the establishment of veterans treatment courts and veterans treatment review calendars to address the unique challenges veterans face as a result of their honorable service. Currently there are 13 counties in California with operational veterans treatment courts or veterans treatment review calendars; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature is not seeking to impart mandates that would stifle innovation, but instead intends to promote a framework within which the superior court in each county has the flexibility to develop a constructive model that works best locally to achieve positive outcomes; and be it further

Resolved, That the Legislature encourages all superior courts to consider establishing veterans treatment courts or veterans treatment review calendars within their jurisdictions to assist troubled veterans who have service-related mental health issues to turn their lives around by identifying them, assessing

their needs, connecting them with needed services, and managing their care;
and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this
resolution to the author for appropriate distribution.

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